

EXHIBIT 1

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UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF THE UNITED STATES ATTORNEY
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

VS.

Case No.

JOHN DOE.

Federal Grand Jury
U.S. Courthouse
1 Courthouse Way
Boston, Massachusetts

Wednesday
September 1, 2004

ORIGINAL

APPEARANCE: MARIANNE C. HINKLE & PAUL R. MOORE
Assistant U.S. Attorneys

WITNESS: HENRY GONZALEZ

APEX Reporting
(617) 426-3077

I N D E X

WITNESS

PAGE

Henry Gonzalez

Examination by Ms. Hinkle

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P R O C E E D I N G S

(12:30 p.m.)

DEBORAH HUACUJA, INTERPRETER, Sworn

HENRY GONZALEZ, Sworn

EXAMINATION BY MS. HINKLE:

Q Good afternoon, ladies and gentlemen. My name is Marianne Hinkle, once again, and Paul Moore, also an Assistant U.S. Attorney in this district with me. We have Mr. Gonzalez' testimony to present to you in the matter of Tony Diaz, of which Mr. Gonzalez -- oh, all right.

Please state your name, sir.

THE INTERPRETER: (Speaking in Spanish.)

A Henry Gonzalez.

THE INTERPRETER: Henry Gonzalez.

Q BY MS. HINKLE: And do you actually reside in New York, sir?

THE INTERPRETER: (Speaking in Spanish.)

A (Replying in Spanish.)

THE INTERPRETER: Yes.

MS. HINKLE: And if the Interpreter could identify herself, also.

THE INTERPRETER: For the record, my name is Deborah Huacuja, H-u-a-c-u-j-a.

Q BY MS. HINKLE: Now, Mr. Gonzalez ---

THE INTERPRETER: (Speaking in Spanish.)

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1 Q BY MS. HINKLE: --- you have two brothers?

2 THE INTERPRETER: (Speaking in Spanish.)

3 A (Replying in Spanish.)

4 THE INTERPRETER: Yes.

5 Q BY MS. HINKLE: And do they both reside here in
6 Massachusetts?

7 THE INTERPRETER: (Speaking in Spanish.)

8 A (Replying in Spanish.)

9 THE INTERPRETER: Yes.

10 Q BY MS. HINKLE: On July 14th of this year ---

11 THE INTERPRETER: (Speaking in Spanish.)

12 Q BY MS. HINKLE: --- did you come up from New York
13 to visit your brothers here in Massachusetts?

14 THE INTERPRETER: (Speaking in Spanish.)

15 A (Replying in Spanish.)

16 THE INTERPRETER: Yes.

17 Q BY MS. HINKLE: And at some point in the evening
18 did you and your brothers go to the Law Grill, a bar in
19 Lawrence?

20 THE INTERPRETER: (Speaking in Spanish.)

21 A (Replying in Spanish.)

22 THE INTERPRETER: That's correct.

23 Q BY MS. HINKLE: Do you know about what time it was
24 when you went there?

25 THE INTERPRETER: (Speaking in Spanish.)

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1 A (Replying in Spanish.)

2 THE INTERPRETER: Around 12.

3 Q BY MS. HINKLE: Did you -- was someone pointed out
4 to you, who you had never seen before, by one of your
5 brothers?

6 THE INTERPRETER: (Speaking in Spanish.)

7 A (Replying in Spanish.)

8 THE INTERPRETER: Yes.

9 Q BY MS. HINKLE: And why? What happened?

10 THE INTERPRETER: (Speaking in Spanish.)

11 A (Replying in Spanish.)

12 THE INTERPRETER: Well, that I know, he had had
13 problems with that person in the past.

14 Q BY MS. HINKLE: And which brother is this who had
15 problems with the person in the past?

16 THE INTERPRETER: (Speaking in Spanish.)

17 A (Replying in Spanish.)

18 THE INTERPRETER: Edward Gonzalez.

19 Q BY MS. HINKLE: And do you know what the problem
20 was that your brother, Edward, had with this man who he saw
21 in the bar?

22 THE INTERPRETER: (Speaking in Spanish.)

23 A (Replying in Spanish.)

24 THE INTERPRETER: Well, from what I heard, it was
25 over a woman.

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1 Q BY MS. HINKLE: Now, did your brother, Edward,
2 point out the man in the bar as the person he had the
3 problem with?

4 THE INTERPRETER: (Speaking in Spanish.)

5 A (Replying in Spanish.)

6 THE INTERPRETER: Yes.

7 Q BY MS. HINKLE: Did you have a chance to see that
8 person?

9 THE INTERPRETER: (Speaking in Spanish.)

10 A (Replying in Spanish.)

11 THE INTERPRETER: Yes.

12 Q BY MS. HINKLE: Did you ever talk to him during
13 the course of the evening?

14 THE INTERPRETER: (Speaking in Spanish.)

15 A (Replying in Spanish.)

16 THE INTERPRETER: With whom?

17 Q BY MS. HINKLE: The person your brother had a
18 problem with?

19 THE INTERPRETER: (Speaking in Spanish.)

20 A (Replying in Spanish.)

21 THE INTERPRETER: Oh, no.

22 Q BY MS. HINKLE: Did he ever approach -- that is,
23 the person who had the problem with your brother, did he
24 ever approach you or your brother?

25 THE INTERPRETER: (Speaking in Spanish.)

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1 A (Replying in Spanish.)

2 THE INTERPRETER: No.

3 A (Replying in Spanish.)

4 THE INTERPRETER: No. He didn't come up to me.

5 We were standing there in the hallway when he went by to go
6 to the bathroom, but that was all.

7 Q BY MS. HINKLE: How long did you stay in the bar?

8 THE INTERPRETER: (Speaking in Spanish.)

9 A (Replying in Spanish.)

10 THE INTERPRETER: About half an hour or
11 45 minutes.

12 Q BY MS. HINKLE: Did you have anything to drink
13 while you were in the bar?

14 THE INTERPRETER: (Speaking in Spanish.)

15 A (Replying in Spanish.)

16 THE INTERPRETER: A beer.

17 Q BY MS. HINKLE: At some point did you all decide
18 to leave?

19 THE INTERPRETER: (Speaking in Spanish.)

20 A (Replying in Spanish.)

21 THE INTERPRETER: Yes.

22 Q BY MS. HINKLE: And did one of your brothers ask
23 you to go get the car?

24 THE INTERPRETER: (Speaking in Spanish.)

25 A (Replying in Spanish.)

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1 THE INTERPRETER: That's correct.

2 Q BY MS. HINKLE: Which brother asked you to go get
3 the car?

4 THE INTERPRETER: (Speaking in Spanish.)

5 A (Replying in Spanish.)

6 THE INTERPRETER: Edison.

7 Q BY MS. HINKLE: Had you traveled to the bar in
8 two different cars, you and your bothers?

9 THE INTERPRETER: (Speaking in Spanish.)

10 A (Replying in Spanish.)

11 THE INTERPRETER: No. Omar and I were in one.

12 A (Replying in Spanish.)

13 THE INTERPRETER: And Edward had his own car.

14 A (Replying in Spanish.)

15 THE INTERPRETER: And we met there.

16 Q BY MS. HINKLE: And is Omar another name for
17 Edison?

18 THE INTERPRETER: (Speaking in Spanish.)

19 A (Replying in Spanish.)

20 THE INTERPRETER: Yes.

21 Q BY MS. HINKLE: When you went to get your car,
22 which parking lot was your car in?

23 THE INTERPRETER: (Speaking in Spanish.)

24 A (Replying in Spanish.)

25 THE INTERPRETER: The one across the street.

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1 Q BY MS. HINKLE: Is that smaller than the one
2 behind the bar?

3 THE INTERPRETER: (Speaking in Spanish.)

4 A (Replying in Spanish.)

5 THE INTERPRETER: Yes.

6 Q BY MS. HINKLE: What kind of car did you have that
7 night?

8 THE INTERPRETER: (Speaking in Spanish.)

9 A (Replying in Spanish.)

10 THE INTERPRETER: I think it was a Camry.

11 A (Replying in Spanish.)

12 THE INTERPRETER: A small car.

13 Q BY MS. HINKLE: And did you get the car by
14 yourself?

15 THE INTERPRETER: (Speaking in Spanish.)

16 A (Replying in Spanish.)

17 THE INTERPRETER: Yes. Since we were leaving,
18 Edison told me to bring the car to the front, since we were
19 on our way, since we were leaving.

20 Q BY MS. HINKLE: And did you pull the car up in
21 front of the grill

22 THE INTERPRETER: (Speaking in Spanish.)

23 A (Replying in Spanish.)

24 THE INTERPRETER: Yes.

25 Q BY MS. HINKLE: Where were your brothers when you

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1 pulled the car up in front of the bar?

2 THE INTERPRETER: (Speaking in Spanish.)

3 A (Replying in Spanish.)

4 THE INTERPRETER: They were waiting for me at the
5 door, the front door.

6 Q BY MS. HINKLE: Both Edward and Edison?

7 THE INTERPRETER: (Speaking in Spanish.)

8 A (Replying in Spanish.)

9 THE INTERPRETER: Yes.

10 Q BY MS. HINKLE: And what happened when you pulled
11 up to the front to near where your brothers were?

12 THE INTERPRETER: (Speaking in Spanish.)

13 A (Replying in Spanish.)

14 THE INTERPRETER: At that moment Edison came
15 running to grab the wheel of the car because at that
16 moment the person had come out and hit him in the stomach
17 and was making motions like this, like he was looking for
18 trouble.

19 Q BY MS. HINKLE: Did you see that happen?

20 THE INTERPRETER: (Speaking in Spanish.)

21 A (Replying in Spanish.)

22 THE INTERPRETER: No, but my brother told me.

23 Q BY MS. HINKLE: So Edison told you that while you
24 were getting the car, this person that Edward had a problem
25 with had punched someone in the stomach?

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1 THE INTERPRETER: (Speaking in Spanish.)

2 A (Replying in Spanish.)

3 THE INTERPRETER: No. He said Edison.

4 Q BY MS. HINKLE: And then Edison, you said, came
5 running and actually got in the driver's side of the car,
6 you just retrieved?

7 THE INTERPRETER: (Speaking in Spanish.)

8 A (Replying in Spanish.)

9 THE INTERPRETER: Yes.

10 A (Replying in Spanish.)

11 THE INTERPRETER: But first he stayed inside for a
12 moment, because he saw that he was making motions over here,
13 like he was armed.

14 Q BY MS. HINKLE: Who stayed inside?

15 THE INTERPRETER: (Speaking in Spanish.)

16 A (Replying in Spanish.)

17 THE INTERPRETER: Edison and Edward.

18 Q BY MS. HINKLE: Did your brothers tell you all
19 these events after all of this was over?

20 THE INTERPRETER: (Speaking in Spanish.)

21 A (Replying in Spanish.)

22 THE INTERPRETER: No.

23 Q BY MS. HINKLE: When did they tell you that --
24 when did either of your brothers tell you about being
25 punched in the stomach or about having concerns that the man

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1 might have a gun?

2 THE INTERPRETER: (Speaking in Spanish.)

3 A (Replying in Spanish.)

4 THE INTERPRETER: I got out of the car.

5 A (Replying in Spanish.)

6 THE INTERPRETER: And I went to say, let's go.

7 A (Replying in Spanish.)

8 THE INTERPRETER: And he said to me, wait a
9 minute.

10 A (Replying in Spanish.)

11 THE INTERPRETER: And he said to me, this man hit
12 me, and let's wait, because I think he has a weapon.

13 A (Replying in Spanish.)

14 THE INTERPRETER: Let's wait here a little while,
15 until he leaves.

16 A (Replying in Spanish.)

17 THE INTERPRETER: And he was like this, like he
18 was looking for trouble.

19 Q BY MS. HINKLE: That is your brother or the man
20 who he feared had the gun?

21 THE INTERPRETER: (Speaking in Spanish.)

22 A (Replying in Spanish.)

23 THE INTERPRETER: The man.

24 A (Replying in Spanish.)

25 THE INTERPRETER: The man was the one who was

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1 going like this.

2 A (Replying in Spanish.)

3 THE INTERPRETER: Like he was looking for
4 problems.

5 Q BY MS. HINKLE: Could you see the man that your
6 brothers had a problem with at that point?

7 THE INTERPRETER: (Speaking in Spanish.)

8 A (Replying in Spanish.)

9 THE INTERPRETER: Yes.

10 Q BY MS. HINKLE: Where was he?

11 THE INTERPRETER: (Speaking in Spanish.)

12 A (Replying in Spanish.)

13 THE INTERPRETER: Inside. He was coming -- going
14 outside and coming back inside.

15 A (Replying in Spanish.)

16 THE INTERPRETER: Because we stayed inside the
17 bar.

18 A (Replying in Spanish.)

19 THE INTERPRETER: So he kept going in and out,
20 like he was looking for problems.

21 Q BY MS. HINKLE: And with your car just sitting out
22 front, waiting for you?

23 THE INTERPRETER: (Speaking in Spanish.)

24 A (Replying in Spanish.)

25 THE INTERPRETER: Yes.

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1 Q BY MS. HINKLE: At what point did that change? At
2 what point did you leave the bar?

3 THE INTERPRETER: (Speaking in Spanish.)

4 A (Replying in Spanish.)

5 THE INTERPRETER: Well, he went to like the back
6 of the bar, like where the bathroom was.

7 A (Replying in Spanish.)

8 THE INTERPRETER: And Edward went to get his car
9 from the large parking lot.

10 A (Replying in Spanish.)

11 THE INTERPRETER: And so he came out right away
12 and went in the back.

13 A (Replying in Spanish.)

14 THE INTERPRETER: So that's when Omar and I got in
15 the car.

16 A (Replying in Spanish.)

17 THE INTERPRETER: Because we saw that he went like
18 after Edward.

19 A (Replying in Spanish.)

20 THE INTERPRETER: And that's when we got within
21 the parking lot.

22 Q BY MS. HINKLE: So you were all standing inside
23 the bar, near the front door?

24 THE INTERPRETER: (Speaking in Spanish.)

25 A (Replying in Spanish.)

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1 THE INTERPRETER: Yes.

2 Q BY MS. HINKLE: And when the man who your brothers
3 had a problem with went to the back of the bar?

4 THE INTERPRETER: (Speaking in Spanish.)

5 A (Replying in Spanish.)

6 THE INTERPRETER: That's when Edward went to the
7 parking lot to get his car.

8 Q BY MS. HINKLE: And then once Edward went to the
9 parking lot, the man he had a problem with came out of the
10 bar and went to that back parking lot, also?

11 THE INTERPRETER: (Speaking in Spanish.)

12 A (Replying in Spanish.)

13 THE INTERPRETER: Yes.

14 A (Replying in Spanish.)

15 THE INTERPRETER: Yeah. But Edward never got to
16 the back parking lot because he saw the man come out, and so
17 he stayed behind with a group of people.

18 Q BY MS. HINKLE: At that point you and Edison got
19 in the car you had retrieved and you headed for the back
20 parking lot, also?

21 THE INTERPRETER: (Speaking in Spanish.)

22 A (Replying in Spanish.)

23 THE INTERPRETER: Yes, to see if Edward was there.

24 Q BY MS. HINKLE: And when you headed toward the
25 back parking lot, what did you find?

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1 THE INTERPRETER: (Speaking in Spanish.)

2 A (Replying in Spanish.)

3 THE INTERPRETER: Well, we found the man there by
4 this car.

5 A (Replying in Spanish.)

6 THE INTERPRETER: And when he saw us ---

7 A (Replying in Spanish.)

8 THE INTERPRETER: --- he started shooting at us.

9 A (Replying in Spanish.)

10 THE INTERPRETER: And that's when Omar went in
11 reverse with his car.

12 A (Replying in Spanish.)

13 THE INTERPRETER: And hit his car and got out.

14 Q BY MS. HINKLE: And then drove out of the parking
15 lot?

16 THE INTERPRETER: (Speaking in Spanish.)

17 A (Replying in Spanish.)

18 THE INTERPRETER: And then he got into his car and
19 chased after us.

20 Q BY MS. HINKLE: How many shots were fired at your
21 car?

22 THE INTERPRETER: (Speaking in Spanish.)

23 A (Replying in Spanish.)

24 THE INTERPRETER: About four.

25 Q BY MS. HINKLE: Did any of the shots hit either

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1 you or your brother?

2 THE INTERPRETER: (Speaking in Spanish.)

3 A (Replying in Spanish.)

4 THE INTERPRETER: No. Thank God.

5 Q BY MS. HINKLE: Did any of the shots hit your car
6 that you know of?

7 THE INTERPRETER: (Speaking in Spanish.)

8 A (Replying in Spanish.)

9 THE INTERPRETER: No.

10 Q BY MS. HINKLE: And your brother then drove out
11 of the parking lot and started to drive away with the man
12 that your brothers had a problem with, following behind
13 you?

14 THE INTERPRETER: (Speaking in Spanish.)

15 A (Replying in Spanish.)

16 THE INTERPRETER: Yes.

17 Q BY MS. HINKLE: Where did your brother drive to?

18 THE INTERPRETER: (Speaking in Spanish.)

19 A (Replying in Spanish.)

20 THE INTERPRETER: Well, he came out and since he
21 saw that he was following us, he went into the court.

22 Q BY MS. HINKLE: Did he actually drive to the
23 police station?

24 THE INTERPRETER: (Speaking in Spanish.)

25 A (Replying in Spanish.)

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1 THE INTERPRETER: I'm sorry? Could you repeat
2 that?

3 Q BY MS. HINKLE: Did your brother actually drive
4 right to the police station, where the police are?

5 THE INTERPRETER: (Speaking in Spanish.)

6 A (Replying in Spanish.)

7 THE INTERPRETER: Yes, because the guy behind us
8 had a gun and we had no weapons.

9 A (Replying in Spanish.)

10 THE INTERPRETER: And when he saw that he went in
11 there, then he took off in a different direction.

12 Q BY MS. HINKLE: So when the man who was following
13 you saw that Edison actually went into the police station,
14 he drove away?

15 THE INTERPRETER: (Speaking in Spanish.)

16 A (Replying in Spanish.)

17 THE INTERPRETER: Yes.

18 Q BY MS. HINKLE: Did you go in with Edison to talk
19 to the police at first?

20 THE INTERPRETER: (Speaking in Spanish.)

21 A (Replying in Spanish.)

22 THE INTERPRETER: No.

23 Q BY MS. HINKLE: Did Edison -- did you see him then
24 leave in a car with police officers?

25 THE INTERPRETER: (Speaking in Spanish.)

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1 A (Replying in Spanish.)

2 THE INTERPRETER: Yes.

3 A (Replying in Spanish.)

4 THE INTERPRETER: He told me to wait for him in
5 his car.

6 Q BY MS. HINKLE: And then did Edison and the police
7 come back a little while later?

8 THE INTERPRETER: (Speaking in Spanish.)

9 A (Replying in Spanish.)

10 THE INTERPRETER: That's correct.

11 Q BY MS. HINKLE: Now a couple of days later did the
12 police interview you?

13 THE INTERPRETER: (Speaking in Spanish.)

14 A (Replying in Spanish.)

15 THE INTERPRETER: Yes.

16 Q BY MS. HINKLE: And did they ask you to look at
17 some photographs to see if you saw the person who shot at
18 your car?

19 THE INTERPRETER: (Speaking in Spanish.)

20 A (Replying in Spanish.)

21 THE INTERPRETER: That's correct.

22 Q BY MS. HINKLE: And did you, in fact, identify
23 the person who shot at your car from among those
24 photographs?

25 THE INTERPRETER: (Speaking in Spanish.)

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1 A (Replying in Spanish.)

2 THE INTERPRETER: Yes.

3 Q BY MS. HINKLE: And did you even write your name
4 underneath the photograph of the man who shot you?

5 THE INTERPRETER: (Speaking in Spanish.)

6 A (Replying in Spanish.)

7 THE INTERPRETER: That's correct.

8 Q BY MS. HINKLE: Had you ever seen that man before
9 the night of July 14th?

10 THE INTERPRETER: (Speaking in Spanish.)

11 A (Replying in Spanish.)

12 THE INTERPRETER: No.

13 Q BY MS. HINKLE: When did you have the best
14 opportunity to see that person, to see his face and to be
15 able to recognize him again?

16 THE INTERPRETER: (Speaking in Spanish.)

17 A (Replying in Spanish.)

18 THE INTERPRETER: When we were inside the bar.

19 A (Replying in Spanish.)

20 THE INTERPRETER: We were there for about half an
21 hour.

22 Q BY MS. HINKLE: And were there any lights that
23 were lighting up the parking lot in the back when you saw
24 him shooting at your car?

25 THE INTERPRETER: (Speaking in Spanish.)

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1 A (Replying in Spanish.)

2 THE INTERPRETER: Well, there were a lot of street
3 lights that light up a little bit. In the parking lot, it's
4 dark, but you can see.

5 Q BY MS. HINKLE: Did you have any doubt that the
6 man who was shooting at you was the same person you'd seen
7 in the bar that your brother pointed out to you?

8 THE INTERPRETER: (Speaking in Spanish.)

9 A (Replying in Spanish.)

10 THE INTERPRETER: No. It's the same person. I'm
11 certain of that.

12 MS. HINKLE: Do the Grand Jurors have any
13 questions for Mr. Gonzalez?

14 Yes.

15 GRAND JUROR: Yes. He said that, if I'm not
16 mistaken, that him or Edison went to the big parking lot
17 where Edward was, and that's where they saw the guy, and
18 then the guy started shooting at him. Well, where did
19 Edward go?

20 Q BY MS. HINKLE: When they were shooting at your
21 car, could you see Edward?

22 THE INTERPRETER: (Speaking in Spanish.)

23 A (Replying in Spanish.)

24 THE INTERPRETER: No.

25 Q BY MS. HINKLE: You said Edward never made it to

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1 the back parking lot because he saw the man who later shot
2 at your car heading that way?

3 THE INTERPRETER: (Speaking in Spanish.)

4 A (Replying in Spanish.)

5 THE INTERPRETER: Yes. So he went back and stayed
6 where there was a group of people outside.

7 Q BY MS. HINKLE: So when you went -- do you know
8 that from Edward? You couldn't see him. Did he tell you
9 that later, that that's where he was when the shots were
10 fired at your car?

11 THE INTERPRETER: (Speaking in Spanish.)

12 A (Replying in Spanish.)

13 THE INTERPRETER: Yes, I didn't see him.

14 Q BY MS. HINKLE: When you went to the back parking
15 lot looking for Edward ---

16 THE INTERPRETER: (Speaking in Spanish.)

17 Q BY MS. HINKLE: --- Edward wasn't back there?

18 THE INTERPRETER: (Speaking in Spanish.)

19 A (Replying in Spanish.)

20 THE INTERPRETER: No.

21 A (Replying in Spanish.)

22 THE INTERPRETER: No, because he went back.

23 Q BY MS. HINKLE: He went back where?

24 A (Replying in Spanish.)

25 THE INTERPRETER: (Speaking in Spanish.)

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1 A (Replying in Spanish.)

2 THE INTERPRETER: We were standing by the door and
3 he went to get his car.

4 A (Replying in Spanish.)

5 THE INTERPRETER: But then -- so then he saw the
6 man come out, so he went back.

7 A (Replying in Spanish.)

8 THE INTERPRETER: And we didn't see him when he
9 stayed back.

10 A (Replying in Spanish.)

11 THE INTERPRETER: That's when we saw the man.

12 Q BY MS. HINKLE: So you didn't know that Edward had
13 not gone all the way to the back parking lot?

14 THE INTERPRETER: (Speaking in Spanish.)

15 A (Replying in Spanish.)

16 THE INTERPRETER: No. Because he told us that he
17 was going to get the car.

18 Q BY MS. HINKLE: When did you learn that he'd never
19 gotten all the way to the back of the parking lot?

20 THE INTERPRETER: (Speaking in Spanish.)

21 A (Replying in Spanish.)

22 THE INTERPRETER: We didn't see him because we saw
23 the man with the gun in his hand already.

24 A (Replying in Spanish.)

25 THE INTERPRETER: So then we thought that if he

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1 was there, he might have seen him and gone back.

2 A (Replying in Spanish.)

3 THE INTERPRETER: And when he saw us, that's when
4 everything started.

5 Q BY MS. HINKLE: Had Edward since told you where he
6 was when the shots were getting fired at your car?

7 THE INTERPRETER: (Speaking in Spanish.)

8 A (Replying in Spanish.)

9 THE INTERPRETER: Yes.

10 A (Replying in Spanish.)

11 THE INTERPRETER: And when he started shooting ---

12 A (Replying in Spanish.)

13 THE INTERPRETER: --- all the people went back.

14 A (Replying in Spanish.)

15 THE INTERPRETER: And that's when they called the
16 police. The police were called from the grill, also.

17 Q BY MS. HINKLE: So did Edward go with that group
18 of people back into the bar once he saw the van in the back
19 and the man started shooting at you?

20 THE INTERPRETER: (Speaking in Spanish.)

21 A (Replying in Spanish.)

22 THE INTERPRETER: Apparently, yes.

23 A (Replying in Spanish.)

24 THE INTERPRETER: Because who is going to stay if
25 there's shooting going on?

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1 MS. HINKLE: Do the Grand Jurors have any
2 questions, other questions, for Mr. Gonzalez?

3 GRAND JUROR: Just one.

4 Why did he feel he needed one only to go get the
5 car? Why didn't they just all leave together? The three
6 boys, the brothers?

7 Q BY MS. HINKLE: Your brother, Edward, had his own
8 car that night; is that right?

9 THE INTERPRETER: (Speaking in Spanish.)

10 A (Replying in Spanish.)

11 THE INTERPRETER: Yes.

12 Q BY MS. HINKLE: So you and Edison were together in
13 one car?

14 THE INTERPRETER: (Speaking in Spanish.)

15 A (Replying in Spanish.)

16 THE INTERPRETER: Yes.

17 Q BY MS. HINKLE: Did the three of you ever think of
18 all leaving together to get your cars, instead of
19 separately, because of the concerns about the man?

20 THE INTERPRETER: (Speaking in Spanish.)

21 A (Replying in Spanish.)

22 THE INTERPRETER: No, we never thought of leaving
23 together.

24 A (Replying in Spanish.)

25 THE INTERPRETER: Because each person, each one of

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1 us wanted to get his car.

2 GRAND JUROR: And he'd go get his car to go pick
3 up his brother, one of his brothers? Or did I hear it
4 wrong?

5 MS. HINKLE: No, I believe that's right.

6 Q BY MS. HINKLE: You went and -- you went to the
7 small parking lot to pick up the car that you and Edison had
8 come in?

9 THE INTERPRETER: (Speaking in Spanish.)

10 A (Replying in Spanish.)

11 THE INTERPRETER: Yes.

12 Q BY MS. HINKLE: Why didn't Edison go with you?

13 THE INTERPRETER: (Speaking in Spanish.)

14 A (Replying in Spanish.)

15 THE INTERPRETER: Because he was talking to some
16 friends, so he said, bring the car to the front so that he
17 can leave.

18 A (Replying in Spanish.)

19 THE INTERPRETER: That's before the whole problem
20 started.

21 MS. HINKLE: Any additional questions for this
22 witness?

23 Okay. Thank you.

24 (Pause.)

25 MS. HINKLE: Okay?

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1 THE WITNESS: Okay. Thank you.

2 MS. HINKLE: Thank you.

3 (Whereupon, the witness was excused.)

4 (Whereupon, at 12:51 p.m., September 1st, 2004,

5 the above matter was concluded.)

CERTIFICATE OF REPORTER

This is to certify that the attached proceeding
before: A FEDERAL GRAND JURY
in the Matter of:

UNITED STATES OF AMERICA

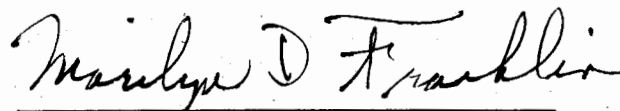
VS.

JOHN DOE

Place: Boston, Massachusetts

Date: September 1, 2004

were held as herein appears, and that this is the original
transcript thereof.


OFFICIAL REPORTER (Signature)
Marilyn D. Franklin